IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 25TH JULY 2006 / 3RD SRAVANA 1928

Bail Appl..No. 4429 of 2006

(CRIME NO.155/2006 OF TALIPARAMBA POLICE STATION)

ACCUSED 2,3,4,7,8,10,11,13 & 17

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1. M.C. IBRAHIM HAJI,S/O.ABDULLA,
   MALIKKANTAKATH CHUTHIRA HOUSE,
   KOOVERI AMSOM,PADAPPENGAD DESOM,
   KANNUR DISTRICT.

2. SRI.P.UMMER,
   SON OF SOOPPY,POOTTICHIEERAKATH HOUSE,
   KOOVERI AMSOM,PADAPPENGAD DESOM,
   KANNUR DISTRICT.

3. MAHROOF C.P.,
   S/O.ALI HAJI PARAPPURAM CHELANTAKATH
   PUTHIYAPURAYIL ,KOOVAN AMSOM,PADAPPANGAD DESOM,
   KANNUR DISTRICT.

4. K.P.C.ISMAIL,
   SON OF ALI HAJI,KUNDILI PURAYIL,
   KOOVERI AMSOM PADAPPENGAD DESOM,
   KANNUR DISTRICT.

5. MUHAMMED EKEERANTAKATH,
   SON OF ADAM TEACHER,KOOVAN AMSOM,
   PADAPPENGAD DESOM, KANNUR DISTRICT.

6. MUHAMMED KUNHI M.C.,S/O.K.V.T.
   ABOOBACKER HAJI,
   KOOVERI AMSOM,PADAPPENGAD DESOM,
   KANNUR DISTRICT.

7. ABDUL JABBAR,S/O. YUSUF HAJI,
   POOMANGALIORAKATH HOUSE,
   KOOVERI AMSOM,PADAPPENGAD DESOM,
   KANNUR DISTRICT.

8. ABDULLA C.,S/O. MAMMU,KUNNATHU HOUSE,
   KOOVERI AMSOM,PADAPPENGAD,KANNUR DISTRICT.

9. M.U.ALI,S/O.MAHAMOOD, 45 YEARS,
KOOVERI AMSOM,POADAPPENGAD DDESOM,
KANNUR DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS: COMPALINANT

STATE OF KERALA,
(S.I. OF POLICE,TALIPARAMBA POLICE STATION,
CRIME NO.155 OF 2006 REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4429/2006

DATED THIS THE 25TH DAY OF JULY, 2006

O R D E R

The petitioners had approached this Court through B.A.No.3458/2006 and this Court rejected their prayer for a pre-arrest order, under Section 438 Cr.P.C. However, the application was disposed of observing that they may surrender before the learned Magistrate of competent jurisdiction and the Magistrate shall pass appropriate orders on merit.

2. The learned counsel submitted that one of the applicants from that application had already been arrested and he remains in judicial custody. The fifth petitioner is a teacher and if he is arrested, his teaching career may be affected. The other accused had not surrendered so far. The above situation cannot be considered as change of circumstances. At this stage, I am not entering into the fact that whether the fifth petitioner was involved in committing the offence or not. This is a matter to be decided at a later stage.

3. After re-appreciation of the facts and hearing both sides, I find that no further orders are required in this application.

Hence, the application is dismissed.

J.M.JAMES
JUDGE

mrcs